

**COLORADO STATE BOARD OF PHARMACY**  
**September 15, 2011**

**Minutes**

The Colorado State Board of Pharmacy meeting was convened by Acting President Mary K. Arceneaux, R.Ph., at approximately 8:30 a.m. on Thursday, September 15, 2011 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph.; E. Katherine Edelblut, R.Ph.; Paul Limberis, R.Ph.; Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were: Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Susan Martin, R.Ph., Inspector; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

**APPROVAL OF MINUTES**

The Board approved the minutes from the July 5, 2011 and July 21, 2011 meetings as amended.

**REPORTS**

**President's Remarks**

None.

**Program Director's Report**

Ms. Anderson presented to the Board proposed language to a new policy (Board Policy 40-8) regarding how hospital settings may handle prescriptions brought in by patients from home. After due consideration, the Board voted unanimously to approve of this policy as amended.

Ms. Anderson informed the Board that both pharmacists and pharmacy interns may now renew their licenses online from the Board's website. Licenses expire on 10/31/11.

**Colorado Pharmacists Society (CPS) – Paul Limberis, RPh**

Planning has begun for the 2011 CPS Annual Fall Meeting which will be held on October 13-15, 2011 at the Doubletree Denver Technological Center. Twelve hours of continuing education will be offered.

Planning has also begun for the CPS Winter CE Seminar to be held on January 8-11, 2012 at the Westin Riverfront Hotel in Avon, Colorado. Details will be available on the CPS website.

**Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh**

The GEEERC meeting scheduled for August 11, 2011 was cancelled. Several committees of the GEEERC are being formed and Paul Limberis will serve on a committee to address medication availability for chronic illness populations. The next meeting of the GEEERC is scheduled for November 10, 2011.

**Intern & School Relations – Jeannine Dickerhofe, RPh**

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that the school graduated 127 students and has accepted 157 new students for its incoming class. The school also recently celebrated its 100 year anniversary.

No report was provided by the Regis University School of Pharmacy.

**Legislation - Jeannine Dickerhofe, RPh**

Ms. Anderson reported that the Colorado Pharmacy Coalition (CPC) will begin meeting again on September 28, 2011 to address a number of topics that will be considered in the 2011 Pharmacy Sunset Review.

**Inspectors**

None.

**OLD BUSINESS**

**Stipulations**

**Alexander, Ann M., RPH 17570 & Case 2009-3303**

This item was removed from the agenda and was not considered by the Board.

**Michelle Bloom, RPH 16464 & Case 2010-2529**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Ms. Bloom and Case 2010-2529 and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter to discipline should Ms. Bloom fail to enter into a rehabilitation contract with the Pharmacy Peer Health Assistance Diversion Program within 30 days.

**Mark D. Hagen, RPH 11172 & Case 2011-4876**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Hagen and Case 2011-4876 and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

**Glenn R. Kruk, RPH 12225 & Case 7697000075**

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Mr. Kruk's request for modification of, or to be discharged from, the terms of his Stipulation and Final Agency Order. The Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny both requests.

## **Licensing**

### **Joseph Medina, Pharmacy Intern Applicant**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Joseph Medina's pharmacy intern application and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny the application and refer the matter for discipline. Grounds for denial were noted to include, but were not limited to, CRS 12-22-125(1)(d).

## **Complaints**

### **Zachary L. Davis, RPH 18935 & Case 2011-4061**

The Board reviewed an Agenda Memorandum from Mr. O'Neill regarding Case 2011-4061 and voted unanimously to reissue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

## **Miscellaneous**

### **Drug Product Advertising response from Marla Frawner**

Mary K. Arceneaux, R.Ph. recused.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a response from Marla Frawner regarding the Board's July 21, 2011 inquiry into King Sooper's drug product advertising practices. After consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to not take further action.

### **Achress Nathana-El Kish**

Mary K. Arceneaux, R.Ph. recused.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Achress Nathana-El Kish and, after due consideration of the available information, voted unanimously to send correspondences to King Soopers Pharmacy # 19 (PDO 114), King Soopers Pharmacy # 24 (PDO 119-3), King Soopers Pharmacy # 68 (PDO 119-4), and King Soopers Pharmacy # 101 (PDO 524) directing these pharmacies to use due diligence when dispensing prescriptions from orders issued by unfamiliar practitioners.

## **NEW BUSINESS**

## **Complaints**

### **Bloxsom, Barbara C., RPH 10432**

**2012-0165**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Caotrieu, Letrinh, RPH 15369**

**2011-4493**

Paul Limberis, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Atlas, Jason, RPH 14820**

**2011-4606**

Paul Limberis, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Eastside Neighborhood Health Center, PDO 99-3**

**2011-4614**

Paul Limberis, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Miyazawa, Frank, RPH 9582**

**2012-0136**

The Board voted unanimously to dismiss this case as being without merit.

The Board also voted unanimously to initiate a separate complaint against the pharmacist license of Norman E. Rudolph (RPH 15015).

**Myers, Brian R., RPH 13024**

**2012-0421**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time. The Board, however, directed its staff to forward this matter to the Colorado State Board of Nursing for its review.

**Pham, Huong, RPH 16865**

**2012-0112**

The Board voted unanimously to dismiss this case as being without merit.

**Promotech Research Associates, Inc., WHI 6055** **2011-4707**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

**Sandoz, Inc., WHI 6031** **2011-4700**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

**Smith, Sandra, RPH 12000** **2011-4814**

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Kaup, Reannon L., RPH 17745** **2012-0124**

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Todd's Harvard Park Pharmacy, PDO 200** **2011-4980**

The Board voted unanimously to dismiss this case as being without merit.

**Walgreen Pharmacy # 4307, PDO 7-23** **2012-0027**

The Board voted unanimously to dismiss this case as being without merit.

**Walgreen Pharmacy # 3586, PDO 24-79** **2012-0363**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

**Witmer, Brian, IN 2004482** **2012-0207**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted to summarily suspend Mr. Witmer's pharmacy intern license pursuant to CRS 12-22-605.

## **LICENSING/REGISTRATION**

### **Drug Depot Inc., dba APS Pharmacy (OSP 5618), Nonresident Pharmacy Reinstatement Applicant**

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Drug Depot's nonresident pharmacy reinstatement application and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny the application. Grounds for denial were noted to include, but were not limited to, CRS 12-22-125(1)(g).

### **PharmEase LLC dba Heartland Pharmacy, Nonresident Pharmacy Applicant**

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding PharmEase's nonresident pharmacy application and, after due consideration of the available information, voted unanimously to issue the registration.

### **Novartis Pharmaceuticals Corporation (WHO 7722), Out-of-State Prescription Drug Wholesaler Reinstatement Applicant**

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Novartis Pharmaceuticals Corporation's out-of-state prescription drug wholesaler application and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to issue the registration and to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time.

## **MISCELLANEOUS**

### **Correspondence, etc.**

#### **Correspondence Regarding a Licensee**

The Board reviewed an Agenda Memorandum from Mr. Gassen and voted unanimously not to take action.

#### **Board Rule 20.00.00 & A Request from the Walgreen Co.**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding central prescription processing and voted unanimously to table further consideration of this matter pending receipt of possible changes to the National Association of Boards of Pharmacy's Model Practice Act regarding this topic.

#### **Complaint for Board Consideration**

The Board reviewed an Agenda Memorandum from Mr. Gassen and voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to initiate a complaint against the pharmacist license of Alex R. Mathews (RPH 15449).

### **Pharmacy Peer Health Assistance Diversion Program & 4<sup>th</sup> Quarter Report**

The Board noted the information.

### **Prescription Drug Monitoring Program (PDMP) Terms of Use Issue**

The Board reviewed an Agenda Memorandum from Tia Johnson, PDMP Administrator, regarding alleged access into the PDMP by a prescribing practitioner's office staff.

After due consideration of the available information, the Board voted unanimously to send correspondence to the practitioner regarding the terms of usage of the PDMP.

### **Heather Carwin, RPH, Rocky Mountain Health Plans (RMHP) & Request to Query the Prescription Drug Monitoring Program (PDMP)**

The Board reviewed an Agenda Memorandum from Ms. Johnson regarding a request from RMHP to query the PDMP for the purpose of making a determination as to the appropriateness of initiating case management for plan members due to excessive use of controlled substances.

After serious consideration of the available information, the Board voted unanimously to deny RMHP's request to query the PDMP for this purpose. The Board believed that RMHP's proposed use of the PDMP does not constitute "clinical patient services." Furthermore, in the context of CRS 12-22-705(3)(c), the Board determined that RMHP is not a legitimate program to monitor a patient's controlled substance abuse.

### **EXECUTIVE SESSION**

At 10:50 a.m., Acting Board President Mary K. Arceneaux moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 1:53 p.m.

### **Open Session**

#### **Case 2011-4578**

The Board voted unanimously to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

#### **Case 2011-4686**

The Board voted unanimously to table further consideration of this case pending receipt of additional information.

**ADJOURNMENT**

The Board adjourned at 2:01 p.m.

*Approved by Jeannine G. Dickerhofe, R.Ph., President    Date: December 12, 2011.*